

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Young-kook KIM

Application No. 10/822,847

Group Art Unit: 2178

Filed: April 13, 2004

Examiner Phenuel S. Salomon

Customer No.: 38209

Confirmation No. 3206

For: METHOD OF INDICATING FUNCTIONS OF BUTTONS, AN IMAGE DISPLAY APPARATUS, AND AN ON-SCREEN-DISPLAY MENU PROCESSING METHOD

PRE-APPEAL BRIEF CONFERENCE AND REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313

Sir:

A Notice of Appeal is filed concurrently herewith in connection with the above-identified patent Application. Applicant's attorney respectfully requests a Pre-Appeal Brief Conference and Request for Review for at least the reasons discussed below.

In the Final Office Action Mailed February 3, 2009, claims 1 and 65-66 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 9,757,034 to Yu (hereinafter, "Yu") in view of U.S. Patent No. 5,973,664 to Badger (hereinafter, "Badger") and further in view of "NEC LCD Series MultiSync User's Manual" of August 22, 1999 (hereinafter, "NEC"). Applicant respectfully submits that the Examiner has failed to make a *prima facie* case for obviousness under 35 U.S.C. §103(a), for at least the following reasons.

With regard to independent claim 1, Yu, Badger, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "detecting a pivot angle of the image display apparatus, and displaying the image rotated according to the pivot angle at a position close to the buttons" as recited in independent

claim 1 for at least the reasons discussed on pages 14-15 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 65 and 66, it is requested that a prima facie case under 35 U.S.C. §103(a) has not been made for these claims, for at least the reasons that these claims depend from allowable independent claim 1, and therefore contain each of the features as recited in claim 1 as discussed on page 15 of Applicant's Response to After Final Rejection filed on March 23, 2009.

In the Final Office Action Mailed February 3, 2009, claims 2-4 were rejected under 35 U.S.C. §103(a) Yu in view of Badger in view of NEC and further in view of U.S. Patent No. 6,744,259 to Bald (hereinafter, "Bald"). It is submitted that a prima facie case under 35 U.S.C. §103(a) has not been made by the Examiner for these claims, for at least the reasons that these claims depend from allowable independent claim 1, and therefore contain each of the features as recited in claim 1 as discussed on pages 15-16 of Applicant's Response to After Final Rejection filed on March 23, 2009.

In the Final Office Action Mailed February 3, 2009, claims 7, 9 and 67-68 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,346,972 to Kim (hereinafter, "Kim") in view of Bald and further in view of NEC. With regard to independent claim 7, Kim, Bald, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "the image display unit has zones to display an image indicating functions assigned to the buttons, and the controller generates image information to be displayed in the zones and supplies the image information to the graphics processing unit" and "that the graphics processing unit displays the image in the zones rotated according to the pivot angle at a position close to the buttons," and the Examiner has failed to make a prima facie case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 16-17 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 9, 67, and 68, it is submitted that a prima facie case under 35 U.S.C. §103(a) has not been made by the Examiner for these claims as discussed on pages 17-18 of Applicant's Response to After Final Rejection filed on March 23, 2009.

Claims 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Kim and further in view of NEC. Applicant respectfully submits that with regard to independent claim 19, Bald, Kim, and NEC, whether taken alone or in

combination with one another, fail to teach or suggest, among other things, "an image display unit including zones to display an image indicating functions assigned to the buttons" and where the "image display unit displays the image in the zones rotated according to the pivot angle at a position close to the buttons," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 18-20 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 20-23, a *prima facie* case under 35 U.S.C. §103(a) has not been made by the Examiner for these claims, for at least the reasons discussed on page 20 of Applicant's Response to After Final Rejection filed on March 23, 2009.

In the Final Office Action Mailed February 3, 2009, claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Kim in view of NEC and further in view of U.S. Patent No. 6,356,287 to Ruberry et al. (hereinafter, "Ruberry"). Applicant submits that a *prima facie* case under 35 U.S.C. §103(a) has not been made for this claim, for at least the reason that this claim depends from allowable independent claim 19, as discussed on page 20 of Applicant's Response to After Final Rejection filed on March 23, 2009.

In the Final Office Action Mailed February 3, 2009, claims 27-34 and 71-72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Yu. With regard to independent claim 27, Bald and Yu, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "generating sub-functions of at least one of the first and second buttons according to the generated first and second function," and the Examiner has failed to make a *prima facie* case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 21-22 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 28-34, 71, and 72, a *prima facie* case under 35 U.S.C. §103(a) has not been made for these claims, for at least the reasons discussed on pages 22-23 of Applicant's Response to After Final Rejection filed on March 23, 2009.

Claims 35-36 and 73-74 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Yu in view of Kim and further in view of NEC. With regard to independent claim 35, Bald, Yu, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, that "the image display unit displays the image rotated according to the pivot angle at a position

close to the at least one button," and the Examiner has not made a prima facie case under 35 U.S.C. §103(a) for this claim for at least the reasons discussed on pages 23-24 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 36, 73, and 74, a prima facie case under 35 U.S.C. §103(a) has not been made for these claims by the Examiner, for at least the reasons discussed on page 24 of Applicant's Response to After Final Rejection filed on March 23, 2009.

In the Final Office Action Mailed February 3, 2009, claims 37-63 and 75-78 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Pivot Pro in view of Kim and further in view of NEC. With regard to independent claim 37, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or disclose, among other things, "a detector unit to detect whether the device is in a portrait mode or in a landscape mode" and "at least one symbol is displayed which is respectively assigned to the at least one input unit, and wherein the orientation of the at least one symbol is changed in accordance with the result of the detector unit, and the at least one symbol, whose orientation is changed, is displayed at a position close to the at least one input unit," and that the Examiner has not made a prima facie case under 35 U.S.C. §103(a) for at least the reasons discussed on pages 25-26 in Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to dependent claims 38-47, 75, and 76, a prima facie case under 35 U.S.C. §103(a) has not been made for this claims, for at least the discussed on page 27 of Applicant's Response to After Final Rejection filed on March 23, 2009. With regard to independent claim 48, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "detecting a rotated state of the display device" and "changing an orientation of the at least one symbol" includes "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a prima facie case under 35 U.S.C. §103(a) as discussed on pages 27-28 in Applicant's Response to After Final Rejection filed on March 23, 2009. Applicant also submits that a prima facie case has not been by the Examiner in connection with dependent claims 49-62, 77, and 78, as discussed on page 28. With regard to independent claim 63, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "changing an orientation of the at least one symbol in accordance with a detection of a

viewing state of the screen, in which the viewing state relates to a rotated state of the screen," and "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) as discussed on pages 29-30.

In the Final Office Action Mailed February 3, 2009, claims 64 and 81-82 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Bald in view of Pivot Pro and further in view of NEC. With regard to independent claim 64, Yu, Bald, Pivot Pro, and NEC, whether taken alone or in combination with one another, do not teach or suggest, among other things, "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit," and the Examiner has not made a *prima facie* case under 35 U.S.C. §103(a) as discussed on pages 30-31. Applicant submits that a *prima facie* case has not been made by the Examiner for dependent claims 81-82, as discussed on page 31.

Consideration of the above in connection with the Pre-Appeal Brief Request for Review is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,
STANZIONE & KIM, LLP

Date: May 4, 2009

By: 

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